



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460


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DEC 18 2009

The Honorable Max Baucus
United States Senate
Washington, DC 20510-2602

Dear Senator Baucus:

Thank you for your letter of November 17, 2009, to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson regarding the Superfund cleanup in Libby. You requested a detailed explanation of the Agency's technical justification for moving forward with Records of Decision (RODs) on Operable Units (OUs) 1 and 2, the former export and former screening plant, and nearby areas prior to completion of the toxicity studies referred to as the Libby Action Plan (LAP).

In the case of these OUs, considerable work has been done to assess the extent of the contamination and to remove contaminated material. The remaining areas of contamination are relatively small and will be removed and/or capped, if we implement EPA's Preferred Alternative from the Proposed Plan that was released for public comment in September 2009.

We do not need to complete the toxicity studies before moving forward on the remedies for OUs 1 and 2 because we expect to eliminate all the remaining soil exposure pathways at OUs 1 and 2. Implementing these RODs will allow us to eliminate any remaining soil exposure pathways and ensure that people will not come in contact with Libby amphibole asbestos (LA). As part of the remedial investigations (RIs) at these OUs, we have already completed risk assessments. Additional toxicity information at this point in time is not needed to confirm the protectiveness of EPA's Preferred Alternative.

You also inquired if the results of the activity-based sampling (ABS) and LAP studies would necessitate an update or revision to these RODs. We do not anticipate that the results of the ABS and LAP studies will change our proposed approach. Our proposed remedies will eliminate all the remaining soil exposure pathways at OUs 1 and 2. As is the case at all Superfund sites where waste is left in place below the surface, we will implement Institutional Controls and Operation and Maintenance plans, and conduct regular five-year reviews at these OUs to ensure the long-term protectiveness of the remedies. The primary benefit of the LAP and ABS studies will occur for OUs 4 and 7 which comprise the residential/commercial properties in the towns of Libby and Troy. Several of the LAP studies will aid in determining a protective level of exposure to LA for these two OUs, whereas a protective level of exposure is not


necessary for OUs 1 and 2 because exposure would be eliminated. The remaining LAP studies are longer term investigations designed to more comprehensively understand LA.

We are now in the midst of the public comment period for the Proposed Plans for OUs 1 and 2. At the request of elected representatives and others in Lincoln County, the normal 30 day comment period was extended to 120 days. The extended deadline for receiving comments is January 16, 2010. As is typically the case, we expect that most of the comments will be received close to the deadline. The EPA team has made numerous trips to Libby over the past several months to communicate our plans and listen to the community. Most recently, at the meeting of the City-County Board of Health for Lincoln County on October 22, 2009, we explained to community members that immediately moving forward on OUs 1 and 2 would advance public health protection as quickly as possible and that the ongoing toxicity studies would not have any bearing on the preferred remedy of eliminating exposure through a barrier. Once the public comment period ends, we will evaluate the comments, prepare a written responsiveness summary, and make a decision by early next year about how to move forward.

We appreciate your continued interest in EPA's clean-up actions in Libby. If you would like additional information, please contact us or your staff may contact Sandy Fells, Regional Congressional Liaison, at 303-312-6604 or fells.sandy@epa.gov.

Sincerely,


Mathy Stanislaus
Assistant Administrator


Carol Rushin
Acting Regional Administrator